



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

June 6, 2000

TO: Internal File

FROM: Susan M. White, Senior Reclamation Biologist, Team Lead *SMW*

RE: Legal, Financial, PacifiCorp, Des Bee Dove Mines, ACT/015/017-LF00B

SUMMARY:

Proposed changes to the Des Bee Dove permit were received on April 14, 2000. This amendment revises the permit area boundaries and updates and reformats Chapter 1, legal and financial, of the permit. The amendment is not complete.

TECHNICAL ANALYSIS :

ADMINISTRATIVE INFORMATION

OWNERSHIP AND CONTROL INFORMATION

Regulatory Reference: R645-301-112

Analysis:

The applicant is PacifiCorp, an Oregon corporation. PacifiCorp is a wholly-owned subsidiary of Scottish Power, a foreign corporation. Energy West Mining Company, a wholly owned subsidiary of PacifiCorp is the operator. The application gives the name, address and telephone number of the applicant and operator (page 2). The resident agent is identified as Charles Semborski. No employer identification number was found for the applicant. PacifiCorp will pay the abandoned mine reclamation fee.

Ownership and control information is in Appendix A. The names, addresses, permit numbers, regulatory authorities, and MSHA numbers together with dates of issuance for coal mining and reclamation operations owned or controlled by the applicant is found in section

TECHNICAL MEMO

R645-301-112.400. This section fails to list the required employer identification number of these operations. Information in this section will need to be checked in the applicant violator system.

Section R645-301-112.600 list surface and subsurface owners of record contiguous to the permit area. Section R645-301-114 list right of entry information and shows the surface ownership information. Since the operator is applying for a reclamation permit only, no subsurface ownership information is required.

PacifiCorp is owner of fee surface and coal rights contiguous to the permit area. There are no holders of record of any leasehold interest in areas affected by surface operations of facilities or coal to be mined other than oil and gas leases and grazing permits.

Findings:

Information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval, the permittee must provide the following in accordance with:

R645-301-112.340 the ownership and control information must included an employer identification number for coal mining and reclamation operations owned or controlled by PacifiCorp.

VIOLATION INFORMATION

Regulatory Reference: R645-301-113

Analysis:

PacifiCorp has never had a federal or state mining permit suspended, revoked, or forfeited a bond. Appendix B contains a list of Notice of Violations (NOV) for all of Interwest Mining Company. Interwest Mining has not been identified in Section R645-301-112.

Findings:

Information provided in the application is not considered adequate to satisfy the requirements of this section of the regulations. Prior to approval, the permittee must provide the following in accordance with:

R645-301-113, Interwest Mining Company must be identified in Section R645-301-112 or the title of the NOV table changed.

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

Section R645-301-114 list right of entry information and shows the surface ownership information. The surface lands are owned and controlled by the Forest Service, Bureau of Land Management, State of Utah, and PacifiCorp.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section.

UNSUITABILITY CLAIMS

Regulatory Reference: R645-301-115

Analysis:

No lands within or adjacent to the permit area have been identified as qualifying under R645-103-300 as unsuitable.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section.

PERMIT TERM, INSURANCE, PROOF OF PUBLICATION, AND FACILITIES USED IN COMMON

Regulatory Reference: R645-301-116 and -117

Analysis:

The permit term for which the applicant is applying is five years. No mining will be conducted during this term. Certificates of insurance coverage are shown in Appendix C. Insurance will expire on August 1, 2000.

TECHNICAL MEMO

No facilities or structures are used in common with another coal mining and reclamation operation, although the Cottonwood Waste Rock disposal site is available for disposal of coal waste for the Des Bee Dove Mine.

Findings:

Information provided in the application is adequate to meet the requirements of this section.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR Sec. 783., et. al.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Permit Area Boundary Maps

The permit area boundary (date received May 1, 1988) is shown on Maps 1-1, 1-3, and 1-4. These maps as well as others need to reflect the current permit area. It is important to keep these maps as a history of the mining however, the current permit area proposed should be designated with the old boundary labeled as such. The permit area maps need to show the escapeway portal breakouts included in the BLM Right of Way U-45337 and Federal Coal Lease U-02664.

Surface and Subsurface Ownership Maps

The surface ownership map is shown on Map 1-2, dated received April 14, 2000. This map also needs to show the escapeway portal breakouts included in the permit area.

Findings:

The information provided in this section does not meet the minimum regulatory requirements of this section. Also, additional map information may be required when providing other requested information.

R645-301-521, information contained on Maps 1-1, 1-2, 1-3, and 1-4 need to show the proposed permit area, including the escapeway portal breakouts. Because the area within the breakouts is so small these areas may need a comment label showing them included in the permit area.

OPERATION PLAN

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR Sec. 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Performance standards for subsidence control.

No information was provided on subsidence in the application for the areas being removed from the permit area. A discussion is needed describing observed versus projected subsidence impacts during mining, and a discussion of how any subsidence-caused material damage was prevented or mitigated.

Findings:

The information provided is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-560 and R6450-301-525, an analysis of observed versus projected subsidence impacts, and a discussion of how any subsidence-caused material damage was prevented or mitigated must be provided.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

The application did not contain a surface and groundwater quality and quantity impact analysis, for the area being removed from the permit. The analysis should assess hydrology data

TECHNICAL MEMO

relative to the impact projections and trends contained within the PHC and CHIA. The analysis must show that onsite impacts have been minimized and that offsite impacts have been prevented.

Findings:

The information provided is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-750, an analysis must be provided assessing hydrology data relative to the impact projections contained within the PHC and CHIA. The analysis must show that onsite impacts have been minimized and that offsite impacts have been prevented.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

The application did not contain documentation that all wells within the area to be removed from the permit area have been capped, sealed, backfilled, or approved for transfer as a water well. No documentation was provided that all exploration holes and bore holes were permanently cased and sealed. No documentation was provided that all monuments and surface markers used as subsidence monitoring points have been removed.

Findings:

The information provided is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-640, documentation must be provided that all subsidence monuments have been removed. Documentation must be provided that all wells or bore holes have been cased, capped, sealed, backfilled, or approved for transfer.

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

No information could be found in the application describing how the land has met the stated postmining land use, including a discussion of the utility and capacity of the land after mining. A demonstration must be provided on how the mined land has met the surface owner or surface manager plans and programs described in the permit. This may include comments or letters from the surface land owners, summary of raptor monitoring data, cattle user numbers and comments.

Findings:

The information provided is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

UCA 40-10-2(2) and R645-301-413, the application must contain a description of how the land has met the stated postmining land use and how the mined land has met the surface owner or surface manager plans and programs described in the permit.

RECOMMENDATION:

The above noted completeness issues **R645-301-113, R645-301-113, UCA 40-10-2(2) and R645-301-413, R645-301-521, R645-301-640, R645-301-750, R645-301-560 and R6450-301-525, and R645-301-116.100)** must be addressed prior to review.